



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/816,541 | 03/31/2004 | Chyi-Yiing Wu | | 9990 |
| 7590 | 05/30/2006 | | EXAMINER | |
| Chyi-Yiing Wu P. O. Box 55-846 Taipei, 104 TAIWAN | | | SMITH, RICHARD A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2859 | |

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/816,541 | WU ET AL. | |
| | Examiner | Art Unit | |
| | R. Alexander Smith | 2859 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 6 is/are rejected.
- 7) Claim(s) 1-5 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 March 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the multi-pole magnets and an electromagnetic coil as described in the specification and as claimed. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). In clarification, although the above components are roughly shown they do not set forth structural detail so that they are clearly recognizable as magnets, multi-pole magnets, and/or coil(s). As drawn it appears to be nothing more than a bearing structure.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a rectifying circuit" and "a lens" in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to because of the following informalities:

On page 1, line 2 under the paragraph labeled 2.: "an" in "an enough electric energy"
should be deleted.

On page 4, line 12: "raidally" should be --radially--.

Throughout the specification, the applicant refers to "an eccentric hole 10" or "an eccentric hole 10 eccentrically formed in an upper portion of the pendulum disk". This is objected to because eccentric can refer to either the shape of the hole or its location. As written throughout the application, it appears that the hole itself is formed eccentrically wherein it is

actually a circular hole eccentrically located in an upper portion of the pendulum disk. The examiner noted this problem on page 3, two places on page 4, page 6 and throughout claim 2.

The examiner requests that the applicant check the entire specification for the use of "eccentric" or its derivatives since the examiner just found that the problem also extends to the "electromagnetic coil eccentrically formed" in claim 1.

Claim Objections

5. Claims 1-5 are objected to because of the following informalities:

Claim 1:

(a) See the specification objection above with respect to "eccentric" and "eccentrically".
(b) There is positive limitations recited claiming "a shaft of a driving motor of a rotary machine" in combination with the optical aligning apparatus. The applicant needs to place the preamble in the form of a combination or the claim language should be changed to only claim the apparatus, i.e., configured to be secured, adapted to be secured, etc.

Claim 2:

(a) See the specification objection above with respect to "eccentric" and "eccentrically".
(b) There is positive limitations recited claiming "the shaft of the driving motor" in combination with the optical aligning apparatus. The applicant needs to place the preamble in the

form of a combination or the claim language should be changed to only claim the apparatus, i.e., configured to be secured, adapted to be secured, etc.

(c) the first occurrence, i.e., line 4, of "said eccentric hole" lacks antecedent basis.

(d) "raidally" in line 16 should be --radially--.

Claim 3: "a lower portion" should start with --the-- in order to properly refer to its antecedent.

Claim 4: "a lower portion" should start with --the-- in order to properly refer to its antecedent.

Claim 6: There is positive limitations recited claiming "a shaft of a rotary machine" in combination with the optical aligning apparatus. The applicant needs to place the preamble in the form of a combination or the claim language should be changed to only claim the apparatus, i.e., configured to be secured, adapted to be secured, etc.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b),

by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,584,695 to Chang.

8. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2003/0140758 to Weusthof et al.

Allowable Subject Matter

9. Claim 1 would be allowable if rewritten to overcome the claim objections set forth in this Office Action.

10. Claims 2-5 would be allowable if rewritten to overcome the claim objections set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

11. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

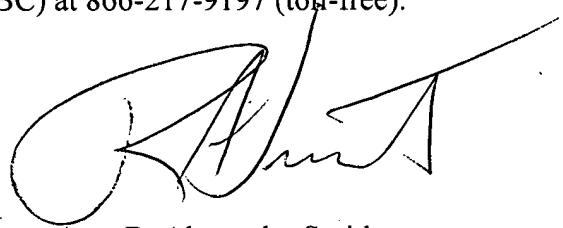
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related devices.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Alexander Smith
Primary Examiner
Technology Center 2800

RAS
May 24, 2006